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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,036	09/22/2003	Jeyhan Karaoguz	14967US02	7866
23446	7590	04/20/2006	EXAMINER	
MCANDREWS HELD & MALLOY, LTD			HAMILTON, LALITA M	
500 WEST MADISON STREET				
SUITE 3400			ART UNIT	PAPER NUMBER
CHICAGO, IL 60661			3624	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/667,036	KARAOGUZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lalita M. Hamilton	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date 12/18/05
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### Summary

On July 28, 2005, an Office Action was mailed to the Applicant rejecting claims 1-28. On October 17, 2005, the Applicant responded with arguments.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-28 are rejected under 35 U.S.C. 102(a) as being anticipated by Nel (US 2002/0042778).

Nel discloses a method and corresponding system for performing transactions comprising a first television display in a first home of a first user (p.2, 35), a first storage in the first home, the first storage supporting media consumption by the first television display in the first home, and having a first network protocol address (p.4, 53), a user interface, at the first home, having at least one user defined media channel, each of the at least one user defined media channel comprising a sequence of user selected and scheduled media, the user interface supporting selection and scheduling of the media (p.4, 53), at least one server storing the media, and having a second network protocol address, and server software that receives from the first home via a communication network a request for the delivery of media, the request comprising information securing payment for delivery, and that responds by coordinating the delivery of the media from

the at least one server at the second network protocol address to the first storage at the first network protocol address for consumption by the first television display (p.3-4, 51); the media comprises at least one of audio, a still image, video, and data (p.2, 44); addresses are one of an Internet protocol network protocol (IP) address, a media access control (MAC) address, and an electronic serial number (ESN) (p.4, 53); the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (p.4, 53); the communication network is the Internet (p.4, 53); one of playing digitized audio, displaying a still image, displaying video, and displaying data (p.2, 44); information securing payment for delivery comprises at least one of a device ID, a public key for encryption, information related to services, information regarding payment terms, information regarding billing, and media push/access restrictions and limitations (p.3, 49) ; the information securing payment for delivery is received via the communication network from a second user at a second home (p.3-4, 51-53); one media peripheral communicatively coupled to the first storage, the at least one media peripheral providing at least a portion of the information securing payment for delivery, and the media being delivered to the at least one media peripheral (p.3-4, 51-53); at least one media peripheral comprises at least one of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a multi-media gateway device, a multi-media personal digital assistant, a DVD player, a tape player, and a MP3 player (p.2, 44); wherein the identity of a user receiving media is

unknown to the at least one server (p.3, 49); a first storage in the first home, the first storage supporting media consumption, and having an associated first protocol address, a second television display in a second home, and having an associated second protocol address, a user interface, at the first home, having at least one user defined media channel, each of the at least one user defined media channel comprising a sequence of user selected and scheduled media, the user interface supporting selection and scheduling of the media, at least one server storing the media, and server software that receives from the first home at the associated first protocol address, via a communication network, a request for the delivery of the media, the request comprising information securing payment for delivery, and that responds by coordinating the delivery of the media from one of the first storage and the at least one server to the second television display at the associated second protocol address for consumption p.3-4, 51-53); the at least one server comprises at least one of a 3rd party service provider, a media storage server, and a broadband head end (p.3-4, 51-53); at least one media peripheral communicatively coupled to the set top box circuit and the at least one media peripheral providing the media (p.4, 53, 55); and at least one of billing and payment is secured before delivery of the media occurs (p.4, 53).

***Response to Arguments***

Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH

A handwritten signature in black ink, appearing to be "LMH". Below the signature, the initials "LMH" are printed in a small, sans-serif font.